



Town Council

Minutes of Public Hearings and Regular Meeting March 10, 2011

Public Hearing on LVZA 2010-0001: Ordinance Amendment – Changes to the R-C District

The Lovettsville Town Council Public Hearing was called to order by Mayor Elaine Walker on March 10, 2011 at 7:33 PM at the Lovettsville Town Hall.

Welcomes and Introductions

Mayor Walker welcomed the citizens attending the meeting. She introduced Vice Mayor Robert Zoldos II and Council Members Tiffaney Carder, Charlotte Coleman, Tim Sparbanie, Shaun Staley and Michael Senate. The Mayor also introduced the Town Staff, including Town Manager Keith Markel, Zoning Administrator Steve McGregor and Town Clerk Judy Kromholz. Attorney Elizabeth Whiting arrived at 8:11 PM.

Absent

None

Presentation

Zoning Administrator McGregor made a presentation on this item. (Attachment I: Staff Report on LVZA 2010-0001). He explained that this ordinance amendment would be necessary whether or not the applicant had brought forward their application because the current Town Ordinance is more restrictive than the Commonwealth of Virginia Fair Housing Law.

Explanation of Procedures and Opening of the Hearing

Mayor Walker read the public notice of the Public Hearing for LVZA 2010-0001: Ordinance Amendment – Changes to the R-C District as it appeared in the *Purcellville Gazette* as shown in Attachment II.

Public Speakers

No member of the public had signed up to speak (Attachment III: Speaker Sign up Sheet). Mayor Walker asked if there were any member of the audience who wished to speak on this topic and there were none. Mayor Walker recognized Attorney J. Randall Minchew in the audience, noting that he was the only attorney present at this time. Attorney Minchew assured that Mayor and Council that this amendment would not change any vested rights of the included properties.

Closing Comments

Mayor Walker again asked if there were any more speakers and there were none.

Declaration to close the Public Hearing

Mayor Walker stated that this issue would be open for comments for an additional ten days and declared this Public Hearing closed at 7:46 PM.

Public Hearing on LVPA 2010-0001: Comprehensive Plan

This Public Hearing was called to order by Mayor Elaine Walker at 7:47 PM.

Presentation

Zoning Administrator McGregor made a presentation on this item. (Attachment IV: Staff Report on LVPA 2010-0001: Lovettsville Comprehensive Plan).

Explanation of Procedures and Opening of the Hearing

Mayor Walker read the public notice of the Public Hearing for LVPA 2010-0001: Lovettsville Comprehensive Plan as it appeared in the *Purcellville Gazette* as shown in Attachment II. {Attorney Whiting arrived during this reading at 8:11 PM}. Vice Mayor Zoldos read the procedures for public speakers.

Public Speakers

Mayor Walker introduced each speaker in the order in which they had signed up to speak (Attachment III)

- | | |
|---|--|
| 1 Rodion Iwanczuk
Loudoun County
Senior Planner | a) Mayor Walker introduced Mr. Iwanczuk and thanked him for all his help during this process.
b) Mr. Iwanczuk commended the Comprehensive Plan Advisory Committee for the careful process they followed. He noted that they had held extensive discussions and carefully considered policies. In a letter dated March 11, 2011, the County Planning Department expressed their support of the revised plan.
c) He noted that the County encourages increased population density inside the Town rather than on the outskirts of Town.
d) He stated that the Town will always be consulted by the County about land development policies surrounding the Town. |
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Mayor Walker asked if there were any further speakers.

Vice Mayor Zoldos presented a question he had been hearing in the community and wanted answered for the record. He has been asked if a house is currently zoned residential and the Comprehensive Plan's Land Use map calls for the property to be mixed use, does approval of this plan change the homeowner's current zoning or future rights on the property. Manager Markel responded, stating that the owner would never be required to rezone his or her property because the Land Use map proposed a different future zoning. The property owner would have all of the current rights and would have to request to be rezoned if that was desired. The Land Use map is used to guide the Town when considering future land use requests.

Councilman Sparbanie asked for clarification of the different zoning shown on different maps in the Plan. Staff explained that one map shows the current zoning and the other shows the future proposed land use the Plan supports. Councilman Sparbanie stated that this is a beautifully written plan and that the Committee had done a phenomenal job.

Planning Commission Chairwoman Bushway thanked Administrator McGregor, noting that he had done most of the writing. She also thanked all of the volunteers and all of the Planning Commissioners, all of whom had put in a lot of time and effort. She stated that the Committee had a lot of new ideas to support the overall goals of intelligent growth and a healthy balance between family and business.

Mayor Walker stated that she also thought the Committee had done a phenomenal job and thanked Commission Chairwoman Bushway and Loudoun County Senior Planner Iwanczuk in particular for their efforts.

Staff noted that a written comment had been received for this public hearing from a member of the public and distributed to the Council before the meeting. Vice Mayor Zoldos stated that the new Council Rules of Procedure did not allow for the introduction of written correspondence into the minutes and that he believed that citizens should make every effort to present their statements in person. Attorney Whiting stated that if someone is unable to speak, the Town is required to make reasonable accommodations. This is generally accomplished by the citizen having someone else read their statement. She noted that there is no duty on the Town's part to include written commentary.

Declaration to Close the Public Hearing

Mayor Walker declared this Public Hearing closed at 8:29 P.M.
(Councilman Senate was called away at 8:40 PM.)

Discussion Concerning Cancellation of the Public Hearing on LVRZ 2010-0002: Lovettsville Retirement Village – Rezoning from R-1 to R-C Public Hearing

Mayor Walker called on Attorney Randy Minchew to explain the applicant's position. He stated that Mr. Richard Storch has not signed the new proffers and that they have not been able to come to an agreement with him. Mr. Minchew requested that the public hearing be held only for the acreage not owned by Mr. Storch. He stated that the Council would not be able to take action under these

circumstances, but his professional opinion is that the public hearing can be held because the size of the application will be reduced, not expanded or substantially changed.

Attorney Whiting stated that she had informed Mr. Minchew of her recommendation to cancel the public hearing at 4:12 PM. She has consulted with other attorneys in the field and could not find case law on this point; she exercised her professional judgment. She stated that there is no on-point statute on the situation in which land is subtracted from the applicant's submission so she recommended the most cautious approach in order to avoid future complications. She noted that this case is not a clean rezoning; it is a proffered rezoning. Both attorneys agreed that the proffers will have to be totally restated and the plans totally redrawn. The question is whether or not there are material changes in the application, and she and Attorney Minchew disagree. Her judgment is that withdrawing one quarter of the acreage after submitting the proffers is a material change in the proffers and application. The current submitted proffers define the subject property and include Mr. Storch's land; they also are written as something of a "poison pill" in that if the rezoning is not granted exactly as proffered, the proffers are automatically revoked. This, in her judgment, automatically renders withdrawal of 287 Joint Venture property a material change in the application. Finally, while the proffers attempt to define the "applicant" solely as Lennar Corporation, the fact is that as originally submitted, this is the joint application by all current owners in the development. She does not know by what authority the remaining co-applicants can remove a fellow co-applicant from an application without that owner having signified consent to being dropped out of the application. For all these reasons, she recommends cancelling the public hearing and proceeding when the documents are redrawn.

Council had no questions of Attorney Whiting. Attorney Minchew agreed that the proffers would need to be resubmitted, Attorney Whiting stated that along with Town staff, she will be happy to work with the applicant to edit the package to come forward with the donut hole in it. Mr. Storch cannot preclude the remainder of the owners from applying for the rezoning, but they must submit an edited proffer that reflects this. Councilman Sparbanie asked how quickly a new application can be put together and re-advertised, noting his concern that this property being undeveloped is a detriment to the Town. Attorney Minchew stated that it is a fairly quick and simple process to shrink the application and he believes they can amend it within 7 to 10 days. Attorney Whiting noted that the Town has already waived the rezoning fee and the Council would probably be amenable to doing that again. Councilman Staley asked about the advertising schedule and pointed out that the applicant can continue to sell properties under the existing proffers. Mayor Walker requested that she attend the meetings on the new application.

Mr. Burden stated that he is also an applicant and he does not believe he can get all the signatures again; he has done it six times. He objects to a public hearing tonight because some residents decided not to attend when they were told the hearing was cancelled. This might be a substantive change to the other residents since some really want the assisted living facility as part of it. Mayor Walker stated that the residents also need to be involved in the re-drafting of the proffers.

Attorney Whiting reiterated that the public hearing was cancelled because the application is incomplete in that it does not bind all the land that was advertised. At the advice of the town attorney the Mayor ruled that the public hearing will not be held tonight.

Mayor Walker declared a five minute break at 8:55 PM

REGULAR MEETING

Mayor Elaine Walker called the regular meeting of the Lovettsville Town Council to order at 9:10 PM on Thursday, March 10, 2011.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Tiffaney Carder, Charlotte Coleman, Tim Sparbanie, Shaun Staley
- Town Manager Keith Markel
- Town Attorney Liz Whiting
- Town Treasurer Lance Gladstone

- Zoning Administrator Steve McGregor
- Town Clerk Judy L. Kromholz
- Attorney Whiting

Absent

- Council Member Michael Senate

Audience

Among those present in the audience were Floyd Blethen, Planning Commission Chair Mari Bushway, John Broman, Scott Dockum, and Rodion Iwanczuk.

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembled in the Pledge of Allegiance.

Comments from the Public

Mr. Blethen announced the Lovettsville Game Protective Association event schedule for the coming months.

Community Presentations

A. Lovettsville Business Association

Vice President John Broman reported that Councilwoman Carder has been attending LBA meetings and communications between the Town and the LBA are improving. They are happy to see the start-up of the Economic Development Advisory Committee. He stated that serving as the LBA representative to the Comprehensive Plan Advisory Committee was a great honor and that the LBA is strongly in support of the Plan. There is no general membership meeting scheduled at this time. Mayor Walker asked to be advised of the next general meeting.

B. Lovettsville Planning Commission

Manager Markel reported that the second February meeting of the Planning commission had been cancelled.

Additions/Deletions/Modifications to the Agenda

Councilman Sparbanie stated that he had a draft resolution supporting locating middle and high schools in close proximity to the Town. He requested that consideration of the resolution be placed on the agenda and the Council agreed.

Vice Mayor Zoldos suggested removing the discussion of Lovettsville Retirement Community Rezoning from R-1 to R-C (LVRZ 2010-0002) because the Public Hearing had not been held. The Council also agreed to table discussion of the establishment of the Lovettsville Economic Development Advisory Committee because there was nothing new to report at this time.

Mayor Walker asked to move the discussion of the Telecommunications Water Tank Study for Co-Location to the top of the agenda because T-Mobile representatives were present for the discussion.

Presentations

No presentations were scheduled.

Approval of Town Council Minutes

A. Town Council Special Meeting – August 31, 2010

Motion: To approve the minutes of the August 31, 2011 Town Council Special Meeting as revised.

By: Council Member Carder

Second: Council Member Coleman

Aye: Council Members Carder, Coleman, Zoldos

Nay: None

Abstain: Council Members Sparbanie, Staley

Absent: Council Member Senate

B. Town Council Regular Meeting – February 24, 2010

Motion: To approve the minutes of the February 24, 2011 Town Council Regular Meeting as revised.
By: Council Member Staley
Second: Council Member Carder
Aye: Council Members Carder, Coleman, Staley, Zoldos
Nay: None
Abstain: Council Member Sparbanie
Absent: Council Member Senate

Report from the Treasurer

There was no report presented.

Staff Reports

A. Report from the Zoning Administrator

Administrator McGregor presented his written report for February 2011. The Council had no questions.

B. Report from the Town Attorney

The Town Attorney had no formal report. She stated that she will be out of town for the first Council meeting in April.

C. Report from the Town Manager

Manager Markel told the Council that a written report is being prepared on the effect of the recent major rain event on the waste water treatment plant.

Consent Agenda

There were no items on the consent agenda.

Action/Discussion Items

A. Telecommunications Water Tank Study for Co-Location

Manager Markel presented this item. He explained that for several years T-Mobile, a wireless telecommunications company, has expressed interest in locating on the Town's elevated water storage tank. The Town is currently working with existing telecommunications companies that are co-located on the tank to develop a plan for reattachment of the existing equipment to allow for tank repairs and painting. The Town will begin the reattachment design phase within the next several weeks. Over the past several months T-Mobile has asked the Town to consider allowing them to conduct a structural study that would determine if the tank could support the additional load of a fourth telecommunications co-location or if the tank could be modified structurally to allow for this additional weight if it was determined that the present structure was not strong enough. T-Mobile could participate in the study and design work to be conducted by the Town's contracted engineer for this project, KCI.

He stated that staff supports T-Mobile's request to conduct a structural analysis and modification and design assessment so long as the work is performed by the Town's Engineer, KCI, and that T-Mobile will pay all costs of the study pertaining to T-Mobile's interest.

Mayor Walker introduced Drew Hiatt from T-Mobile who introduced Lisa DeHaven and Bill Bitner, both from T-Mobile. Mayor Walker stated that it had been a pleasure working with Mr. Hiatt on this proposal. Mr. Hiatt noted that Manager Markel and Project Manager Fellers had been instrumental in moving this proposal forward. He thanked the Mayor for taking them around Town and showing them alternative sites. Vice Mayor Zoldos asked if the Town will receive a copy of the report and Manager Markel noted that the contract requires the study results be given to the Town.

Motion: I move that Town Council approved the draft Entry and Testing Agreement to allow T-Mobile to conduct a structural analysis and modification and design assessment on the Town's elevated water tank. The study work will be conducted by the Town's contract engineer, KCI.

By: Council Member Sparbanie

Second: Council Member Coleman

Mayor Walker called for additional discussion. Attorney Whiting stated that two minor changes were requested by T-Mobile to the agreement, both of which she can accept. She explained the two changes

they requested and detailed why they were acceptable. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Carder, Coleman, Sparbanie, Staley, Zoldos
Nay: None
Abstain: None
Absent: Council Member Senate

B. LVZA 2010-0001: Modifications to R-C Zoning District

Administrator McGregor presented this item at the Public Hearing. Manager Markel explained that this is good housekeeping regardless of the ultimate resolution of the Lennar application. Mayor Walker asked Administrator McGregor to explain that, whether or not there is a rezoning application, this should be done because the Town Zoning Ordinance does not comply with state law. The Town cannot be more restrictive than the state. There being no further discussion, Mayor Walker called for the vote.

Motion: I move that the Town Council adopt Ordinance 2011-03-001 to amend Sections 3-6 and 13-2 of the Lovettsville Zoning Ordinance as presented in this report."
(Attachment V: Ordinance No. 2011-03-001)

By: Vice Mayor Zoldos
Second: Council Member Sparbanie
Aye: Council Members Carder, Coleman, Sparbanie, Staley, Zoldos
Nay: None
Abstain: None
Absent: Council Member Senate

C. LVPA 2010-0001: 2011 Comprehensive Plan Adoption

Administrator McGregor presented this item. He reported that the Planning Commission and the Town staff recommend that the Town Council consider adopting the draft Town of Lovettsville 2011 Comprehensive Plan with any changes the Council feels appropriate after public testimony and its own discussion. Mayor Walker called for a motion.

Motion: I move that the Town Council adopt Ordinance 2011-03-002 to repeal the 2004 Lovettsville Town Plan and enact the Lovettsville 2011 Comprehensive Plan in its place. (Attachment VI: Ordinance Number 2011-03-002)

By: Vice Mayor Zoldos
Second: Council Member Coleman

Mayor Walker called for discussion. Councilman Sparbanie thanked Mr. Iwanczuk for the March 1st memo and asked him if the suggested proffer language should be included in the Plan. Mr. Iwanczuk explained that the County Board of Supervisors requests that the towns assist the County on property rezoning and have capital facilities guidelines similar to those that they are asking the Town to implement. Administrator McGregor explained that this is a policy that is implemented through the rezoning process. Councilman Sparbanie confirmed with Mr. Iwanczuk that this is not something that needs to be put into the Plan today, but something to be jointly addressed in the future.

Councilman Sparbanie asked about measureable policies and Administrator McGregor pointed out that this came up late in the process and that the committee did not address it. However, the Planning Commission placed language in the document to encourage regular review. He noted that Council can direct staff to develop guidelines to discuss measureable guidelines. Attorney Whiting noted that the state code already directs the Planning Commission to make annual reports on this topic in Virginia code section sections 15.2-2221. Commission Chairwoman Bushway noted that the Planning Commission has already decided to request a joint work session with the Council to set priorities in administering the Plan.

Councilman Staley stated that he would not be voting because he was a member of the Comprehensive Plan Advisory Committee (CPAC). He thanked everybody who had participated in CPAC.

Councilwoman Carder asked if Oktoberfest and other events could be added into the Plan. Administrator McGregor stated that they would have to postpone voting on the Plan while the appropriate language was developed, Mayor Walker polled the Council and they agreed that they did not want to send the Plan back to the Commission in order to make the modification. Attorney Whiting suggested that the Council direct the Planning Commission to include special events when they develop their guidelines for a checklist. Administrator McGregor noted that the plan can always be amended. Mayor Walker stated that the

current document is strong and the Council can always amend it if so desired. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Carder, Coleman, Sparbanie, Zoldos
Nay: None
Abstain: Council Member Staley
Absent: Council Member Senate

D. Lovettsville Town Center Sewer Tap Release

Manager Markel presented this item. He explained that Council is being asked to consider the release of one of the Letters of Credit held by the Town from Lovettsville Town Center, LC for sewer tap reservations. The Town currently holds two Letters of Credit from Lovettsville Town Center, LC that serve to reserve 100 sewer taps for resident dwelling units or their equivalent. The taps are reserved at half their face value. Letter of Credit #305 is in the amount of \$175,500 and reserves 30 taps. Letter of Credit #306 is in the amount of \$416,500 and reserves 70 taps, per the agreement dated December 16, 1999. Sewer taps for the project also conveyed from existing homes within the development area that were removed and taps were also inherited from previous developers who had already purchased taps for their projects that were never completed prior to Lovettsville Town Center, LC acquiring their land. When these existing taps are factored into the total draw down of sewer tap reservations for the project, Lovettsville Town Center or their designee has purchased 34 sewer taps from the 100 that are held in reserve for their project. Because over thirty taps have been purchased from the reserved capacity, the developer has asked for the Town to return Letter of Credit #305. This will leave Letter of Credit #306 in place until more homes are constructed and the developer wishes to reduce that letter's value. Staff supports the applicant's request for the Town to return Letter of Credit #305 and recommends adoption of the resolution that is attached.

There being no discussion, Mayor Walker called for a motion.

Motion: I move that Town Council adopt Resolution 2011-03-001: Approve Release of Letter Of Credit Lovettsville Town Center (Attachment VII)
By: Council Member Staley
Second: Council Member Sparbanie
Aye: Council Members Carder, Coleman, Sparbanie, Staley, Zoldos
Nay: None
Abstain: None
Absent: Council Member Senate

E. Germanna Drive Street Acceptance

Manager Markel presented this item. He explained that on January 27, 2011 the Lovettsville Town Council approved a resolution for the Virginia Department of Transportation to accept Germanna Drive into the street maintenance system. Despite having VDOT officials proofread and approve the draft resolution, they have rejected the Town's approved and signed resolution. They have recently provided the additional text they would like to see added to the third paragraph that states specifically that any road maintenance during the first year of acceptance will be funded by the Town. Staff recommends adoption of the modified resolution requesting VDOT to accept Germanna Drive into their Secondary Road Maintenance System. The Town has already provided two checks in the amount of \$300 and \$700 to the Treasurer of Virginia to cover the maintenance and administrative costs associated with this request.

Councilman Staley asked if first year maintenance included plowing. Attorney Whiting stated that this is the first year VDOT is requiring this and she believes it means repairs only. She noted that VDOT set the exact language they require and suggested that the Town include a letter stating that the Town understands that this puts us in the same position as a funded warranty bond would. Attorney Whiting advised against changing the wording VDOT is requiring. There being no further discussion, Mayor Walker called for a motion.

Motion: I move that Town Council adopt Resolution 2011-03-002, requesting VDOT accept Germanna Drive as described on the VDOT form AM-4.3 attached to the resolution, into the Secondary Road Maintenance System under Section 33.1-82, Code Of Virginia) (Attachment VIII)
By: Council Member Sparbanie
Second: Council Member Coleman

Aye: Council Members Carder, Coleman, Sparbanie, Staley, Zoldos
Nay: None
Abstain: None
Absent: Council Member Senate

F. Support For Location Of Future Schools In Close Proximity To The Town Of Lovettsville

Motion: I move that Town Council adopt Resolution 2011-03-003, Support For Location Of Future Schools In Close Proximity To The Town Of Lovettsville (Attachment IX)
By: Council Member Sparbanie
Second: Vice Mayor Zoldos

Mayor Walker called for discussion. Councilwoman Carder stated that she is glad the Council is passing this resolution, noting that it clarifies what is said about school location in the Comprehensive Plan. There being no further discussion, Mayor Walker called for a vote.

Aye: Council Members Carder, Coleman, Sparbanie, Staley, Zoldos
Nay: None
Abstain: None
Absent: Council Member Senate

G. Oktoberfest Committee

Councilwoman Carder stated that while she had volunteered to co-chair the event with Councilman Sparbanie she now finds that she has overcommitted her time and will not be able to devote the necessary time to the committee. She asked last year's chair, Mr. Dockum, for input on how to organize the committee. Mr. Dockum stated that he is willing to help. He noted that last year he encountered problems because of the Town's perception that the Town government was running Oktoberfest. However, when he polled the local business owners after the event they all said they had had their best year ever. Councilman Sparbanie, Mr. Dockum and Ms. Miller will meet next week to begin organizing the event. Mr. Dockum suggested that setting the budget be among the first tasks they undertake.

Vice Mayor Zoldos suggested that Councilman Sparbanie co-chair the event with Mr. Dockum this year. The Council agreed to this and all offered to help to the extent they are able.

As required by Council rules, at 11:03 PM Mayor Walker called for a straw vote as to whether to take up any new business. Attorney Whiting noted that she would like to meet with Council members Carder and Staley before the Economic Development Committee draft was discussed by Council. Council agreed to table consideration of EDC until that review could take place. They also agreed to table discussion of the Allocation of FY 2011 Donation Funds until the Oktoberfest Committee presented a budget, The Council decided to take up the remaining two items on the agenda.

Western Loudoun Art Tour

Manager Markel stated that last year the Council allocated \$250 to this event, noting that there are quite a few artists in and around Lovettsville who participate in the Tour.

Motion: I move to support the western Loudoun art tour with the same amount as 2010.
By: Council Member Staley
Second: Council member Carder

Mayor Walker called for discussion. Councilman Sparbanie asked what other organizations are being considered for Donation Funds and Vice Mayor Zoldos stated that he will circulate a spreadsheet among the Council members before the next meeting. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Carder, Coleman, Staley, Zoldos
Nay: None
Abstain: Council Member Sparbanie
Absent: Council Member Senate

H. FY 2012 Budget and CIP Parameters and Town Council Schedule

Manager Markel distributed the FY 2012 Budget and CIP Parameters and the proposed Town Council Schedule for Council to review. Based on personal schedules, a few changes were made to the proposed schedule.

Motion: I move that the Town Council adopt the proposed schedule as amended, barring

unforeseen circumstances.
By: Vice Mayor Zoldos
Second: Council Member Sparbanie
Aye: Council Members Carder, Coleman, Sparbanie, Staley, Zoldos
Nay: None
Abstain: None
Absent: Council Member Senate

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Vice Mayor Zoldos reported that the Lovettsville Elementary School PTO will hold a basket bingo fundraiser tomorrow night and the opening day of Lovettsville Little League baseball will be on April 30th.

Councilman Sparbanie reported that St. Francis de Sales Church will be holding a fish fry fund raiser for the next six Fridays. He also stated that he had enjoyed attending the Lovettsville Library birthday celebration.

Councilwoman Carder reported that the Lions Club pancake supper at the Community Center was great. She reported that the Cooperative Market and the Lovettsville Library are cosponsoring a movie series.

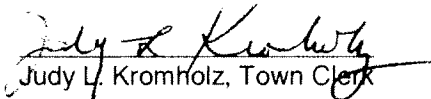
Councilwoman Coleman reported that the American Legion steak night will be on April 7th.

Mayor Walker reported the following:

1. The Lions Club Pancake Supper drew the biggest crowd they ever had and sold out.
2. The Ruritan Club has expressed interest in becoming more involved in Oktoberfest.
3. The Loudoun County Sheriff's Office did a fantastic presentation at the Lovettsville Library birthday celebration.
4. She attended the most recent Coalition of Loudoun Towns meeting where they discussed the redistricting plans suggested by the Board of Supervisors. The group met with the County Administrator and his staff. The Coalition presented an additional plan where six of the seven towns would be in the same district and have Leesburg as a separate district.

The Meeting ended at 11:30 PM.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: April 28, 2011

Attachments:

- I. Staff Report – LVZA 2011-0001: Ordinance Amendment – Changes to the R-C District (*without Attachments*)
- II. Public Notice Announcements – *Purcellville Gazette*
- III. Speaker Signup Sheet
- IV. Staff Report – LVZA 2010-0001: Comprehensive Plan Public Hearing (*without Attachments*)
- V. Ordinance 2011-03-001 to amend Sections 3-6 and 13-2 of the Lovettsville Zoning Ordinance as presented in this report
- VI. Ordinance 2011-03-002 to repeal the 2004 Lovettsville Town Plan and enact the Lovettsville 2011 Comprehensive Plan in its place.
- VII. Resolution 2011-03-001: Approve Release of Letter Of Credit Lovettsville Town Center
- VIII. Resolution 2011-03-002: Requesting VDOT accept Germanna Drive as described on the VDOT form AM-4.3
- IX. Resolution 2011-03-003: Support For Location Of Future Schools In Close Proximity To The Town Of Lovettsville

Town of Lovettsville

TOWN COUNCIL

PUBLIC HEARING	
ITEM IDENTIFICATION	LVZA 2011-0001 Retirement Community R-C District.
TYPE OF ITEM	Zoning Ordinance Amendment
DATE OF HEARING	March 10, 2011
APPLICANT	US Homes / Lennar

BACKGROUND: On December 2, 2010 US Homes/Lennar and the current land owners within Heritage Highlands, submitted a rezoning application (LVRZ 2010-0002) for the R-C district to lessen some of the age and design restrictions that apply to the approved proffers for the Lovettsville Retirement Community. Because of changes in the Zoning Ordinance district regulations subsequent to the approval of the project in 2003 all these changes cannot be approved unless the development is rezoned under the Retirement Community R-C zoning district. As currently stated the regulations for the district would not permit the age restriction changes sought by the applicant. The R-C district would have to be amended to allow the proposed changes in the Heritage Highlands development.

DISCUSSION: The rezoning application identified as LVRZ 2010-0002 by US Homes/Lennar and the current land owners within Heritage Highlands for the entire Lovettsville Retirement Village development requests that the developer-owners be allowed up to twenty percent of the independent living units to have two occupants 45 years or older and an additional occupant with certain qualifications related to assistance to other occupants. The remaining 80 percent of independent living units would retain the current age limit of one occupant 55 years or older and one 45 years or older with a third occupant allowed with certain qualifications related to assistance to other occupants. The current R-C regulations limit occupants to 55 years or older. The current Zoning Ordinance regulations are more restrictive than those provided in the Federal Fair Housing Act and the Virginia Fair Housing Law. The regulations also need to be changed so that the Ordinance complies with the applicable State and Federal law. The definition of retirement community in the Zoning Ordinance should be removed from Section 13-2 as it is defined in the zoning district in Section 3-6. A definition of Assisted Living should be added to Section 13-2. It should refer to congregate housing, which is in this section. State law defines assisted living in terms of congregate living housing.

There is no need for a definition of the retirement community use in the Zoning Ordinance (Section 13-2) because the use is defined in the Zoning District (Sec. 3-6). There is no definition of the assisted living use in the Ordinance but there is for congregate housing. State law defines assisted living use in terms of congregate housing so a definition of assisted living can be added giving a reference to congregate housing. The text of the R-C district should be amended to remove the term congregate housing and substitute assisted living for the sake of clarity. Assisted

Last modified March 4, 2011

living is the term used in the proffers for Heritage Highlands. In addition, the text for nursing homes is used inconsistently ("nursing home" and "nursing care") in the R-C zoning district, as pointed out by the Town Attorney, and should be made consistent. Ancillary services for retirement communities are provided for in paragraph (g) and do not need to be indicated again in paragraph (c).

These modifications should be made regardless of the action taken on LVRZ 2010-0002, the Lovettsville Retirement Village in order for the ordinance to comply with state law.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended on February 16, 2011 that the Town Council amend the Zoning Ordinance according to the draft text presented below.

RECOMMENDATION: That the following text changes should be made to the Zoning Ordinance:

MODIFY:

3-6 RETIREMENT COMMUNITY R-C

- (a) ~~The purpose of the~~A Retirement Community District is ~~established for the purpose of to provide~~ing multiunit housing specifically intended for ~~elderly~~ persons in accordance with the provisions of the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) or the Virginia Fair Housing Law (Va. Code Section 36-96.1 et seq.) (the "Act" and "Law", respectively), of age 55 years and older, as allowed for in this Article as well as supportive commercial uses, as permitted by the provisions of this section.
- (b) ~~The facility shall consist of housing specifically designed and intended for, and occupation by at least one (1) person fifty-five (55) years of age or older. One individual who has attained the age of eighteen (18) years may be domiciled with the elderly primary resident provided such residency is essential for the physical or economic support of the elderly person. The residential portions of any retirement community shall be subject to~~ restrictions recorded in a declaration of covenants and restrictions recorded among the land records of Loudoun County limiting occupancy consistent with the requirements of the Act and Law.
- (c) ~~The community shall have facilities and/or services specifically designed to meet the physical or social needs of the elderly person.~~
 - (d) ~~The community shall publish and adhere to policies and procedures which demonstrate an intent by the owner or developer to provide housing for elderly persons.~~

- (d) The retirement community may consist of any or all of the following living arrangements: independent living, ~~congregate care~~/assisted living; ~~convalescent care~~ and nursing home. A mix of living arrangements is encouraged within the community.
- (ef) Any or all of the following housing types shall be permitted within athe retirement community: single family detached, duplex, quadplex or multi-family dwelling units. The provision of more than one (1) housing type is encouraged.
- (fg) A professional building may be permitted within the retirement community. The following uses shall be permitted with the building: medical office including emergency medical treatment facility, dental office, pharmacy, accountant, lawyer, insurance agent, financial services, hairdresser, a commissary providing basic food and supplies, and other associated medical services. Ancillary uses which may be permitted within the community include: a clubhouse, solely for the residents, employees and their guests, including meeting rooms, auditorium, business office, recreational facilities and other uses related to adult community living, swimming pool, health or fitness center solely for the residents, employees and their guests, accessory apartment or semi-independent dwelling unit for the use of transient guests of residents of the retirement community and active recreation space.
- (gh) Off-street parking shall be provided at the rate of two (2) parking spaces per single family dwelling. Parking for assisted living ~~Congregate~~ housing shall be provided at the rate of one (1) parking space for each ~~dwelling~~ unit plus one (1) parking space for each five (5) beds not included in a dwelling unit, plus one (1) space for each employee. Parking for a nursing home care facility shall be provided at the rate of one (1) space for every ten (10) beds, plus one (1) space for each employee. Professional office building parking shall be provided at the rate of four (4) spaces per one thousand (1,000) square feet.

[The letters of the subsequent paragraphs should be changed accordingly]

MODIFY:

13-2 DEFINITIONS

~~RETIREMENT COMMUNITY: A development that consists of housing specifically designed and intended for the occupation by at least one (1) person fifty five (55) years of age or older elderly persons in accordance with the provisions of the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and the Virginia Fair Housing Law (Va. Code section 36-96.1 et seq), and shall contain facilities and/or services that are specifically designed to meet the needs of the elderly.~~

ADD: [in alphabetical order]

13-2 DEFINITIONS

ASSISTING LIVING: See CONGREGATE HOUSING

DRAFT MOTION:

"I move that the Town Council adopt Ordinance 2011-__ -__ to amend Sections 3-6 and 13-2 of the Lovettsville Zoning Ordinance as presented in this report."

Public Hearing/Legal Notices

Notice of Public Hearing Town of Lovettsville

The Lovettsville Mayor and Town Council will hold Public Hearings on the following items at their meeting on March 10, 2011 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue.

LYZA 2011-0002, Lovettsville Retirement Village Rezoning and Proffer Modifications.

Consider a request to rezone the Lovettsville Retirement Village from R-1, Residential, to R-C, Retirement Community with modifications to the existing proffers. The development consists of approximately 27 acres, as follows:

Address	PIN	Owner	Address	PIN	Owner
1 Harpers Mill Way	370-19-0979	Jack Roy & Alice Ruth Wilson, Trustees, Wilson Family Trust	57 Harpers Mill Way	370-18-9560	Patriot Homes of Virginia Inc
7 Harpers Mill Way	370-19-0980	Beverly B. Schrader, Trustee	17 Harpers Mill Way	370-18-9569	Patriot Homes of Virginia Inc
10 Harpers Mill Way	370-19-1196	Eleanor Guadron & P & T Guadron	54 Harpers Mill Way	370-18-9647	Patriot Homes of Virginia Inc
11 Harpers Mill Way	370-18-9685	Elizabeth V. Barbee	63 Harpers Mill Way	370-18-9669	Patriot Homes of Virginia Inc
12 Harpers Mill Way	370-19-1700	Wendy E. Burke	13 Harpers Mill Way	370-18-9894	Patriot Homes of Virginia Inc
15 Harpers Mill Way	370-18-9390	Tamara Mohyla	32 Harpers Mill Way	370-19-0024	Patriot Homes of Virginia Inc
16 Harpers Mill Way	370-19-1305	John R. Burden, Sr. & Jean E. Burden	56 Harpers Mill Way	370-19-0041	Patriot Homes of Virginia Inc
43A & 46 Harpers Mill Way	371-49-0966 & 370-19-2276	Villas at Lovettsville HOA	61 Harpers Mill Way	370-19-0063	Patriot Homes of Virginia Inc
19 Harpers Mill Way	370-18-8995	Joseph T. & Frances L. Evans	58 Harpers Mill Way	370-19-0250	Patriot Homes of Virginia Inc
5 Harpers Mill Way	370-19-0584	Ashraf & Rania Ghoshan & Z. Ghoshan	28 Harpers Mill Way	370-19-0319	Patriot Homes of Virginia Inc
2 Harpers Mill Way	370-19-1886	Mary L. Baker	18 Harpers Mill Way	370-19-0405	Patriot Homes of Virginia Inc
20 Harpers Mill Way	370-19-1009	Ronald L. & Helen Cricks	65 Harpers Mill Way	370-19-0566	Patriot Homes of Virginia Inc
22 Harpers Mill Way	370-19-0110	Kenneth & Vera Shipman	60 Harpers Mill Way	370-19-0644	Patriot Homes of Virginia Inc
8 Harpers Mill Way	370-19-2095	Olive D. Johnson, Trustee	24 Harpers Mill Way	370-19-0714	Patriot Homes of Virginia Inc
23 Harpers Mill Way	370-18-8600	Maria T. Musante	14 Harpers Mill Way	370-19-0801	Patriot Homes of Virginia Inc
26 Harpers Mill Way	370-18-9815	Ramona L. Lewis	64 Harpers Mill Way	370-19-1048	Patriot Homes of Virginia Inc
27 Harpers Mill Way	370-18-8305	Richard C. & Jeannette M. Sullivan	69 Harpers Mill Way	370-19-1070	Patriot Homes of Virginia Inc
6 Harpers Mill Way	370-19-1491	Mary A. & Aled Y. Soren	66 Harpers Mill Way	370-19-1157	Patriot Homes of Virginia Inc
3 Harpers Mill Way	370-19-0375	Patricia Ann Plegat, Trustee	68 Harpers Mill Way	370-19-1551	Patriot Homes of Virginia Inc
9 Harpers Mill Way	370-19-0289	Jacoba P. Warringa, Trustee	70 Harpers Mill Way	370-19-1660	Patriot Homes of Virginia Inc
1 Fox Mill Way	370-19-2181	Kenneth R. Patricia G. Dart	72 Harpers Mill Way	370-19-2055	Patriot Homes of Virginia Inc
12745 Berlin Trpk	370-19-5365	287 Joint Venture	74 Harpers Mill Way	370-19-2164	Patriot Homes of Virginia Inc
43 Harpers Mill Way	370-18-6924	Patriot Homes of Virginia Inc.	4 Harpers Mill Way	370-19-2490	Patriot Homes of Virginia Inc
39 Harpers Mill Way	370-18-7219	Patriot Homes of Virginia Inc.	76 Harpers Mill Way	370-19-2558	Patriot Homes of Virginia Inc
41 Harpers Mill Way	370-18-7528	Patriot Homes of Virginia Inc.	78 Harpers Mill Way	370-19-2667	Patriot Homes of Virginia Inc
35 Harpers Mill Way	370-18-7614	Patriot Homes of Virginia Inc.	3 Fox Mill Way	370-19-2785	Patriot Homes of Virginia Inc
47 Harpers Mill Way	370-18-7655	Patriot Homes of Virginia Inc.	80 Harpers Mill Way	370-19-3061	Patriot Homes of Virginia Inc
37 Harpers Mill Way	370-18-7823	Patriot Homes of Virginia Inc.	82 Harpers Mill Way	370-19-3171	Patriot Homes of Virginia Inc
31 Harpers Mill Way	370-18-7909	Patriot Homes of Virginia Inc.	84 Harpers Mill Way	370-19-3565	Patriot Homes of Virginia Inc
45 Harpers Mill Way	370-18-8049	Patriot Homes of Virginia Inc.	67 Harpers Mill Way	370-29-0172	Patriot Homes of Virginia Inc
51 Harpers Mill Way	370-18-8159	Patriot Homes of Virginia Inc.	71 Harpers Mill Way	370-29-0675	Patriot Homes of Virginia Inc
33 Harpers Mill Way	370-18-8218	Patriot Homes of Virginia Inc.	75 Harpers Mill Way	370-29-1179	Patriot Homes of Virginia Inc
29 Harpers Mill Way	370-18-8513	Patriot Homes of Virginia Inc.	73 Harpers Mill Way	370-29-1573	Patriot Homes of Virginia Inc
49 Harpers Mill Way	370-18-8553	Patriot Homes of Virginia Inc.	79 Harpers Mill Way	370-29-1582	Patriot Homes of Virginia Inc
55 Harpers Mill Way	370-18-8662	Patriot Homes of Virginia Inc.	77 Harpers Mill Way	370-29-1976	Patriot Homes of Virginia Inc
25 Harpers Mill Way	370-18-8809	Patriot Homes of Virginia Inc.	83 Harpers Mill Way	370-29-2086	Patriot Homes of Virginia Inc
53 Harpers Mill Way	370-18-9056	Patriot Homes of Virginia Inc.	81 Harpers Mill Way	370-29-2480	Patriot Homes of Virginia Inc
59 Harpers Mill Way	370-18-9165	Patriot Homes of Virginia Inc.	87 Harpers Mill Way	370-29-2589	Patriot Homes of Virginia Inc
20 Harpers Mill Way	370-18-9204	Patriot Homes of Virginia Inc.	85 Harpers Mill Way	370-29-2983	Patriot Homes of Virginia Inc
30 Harpers Mill Way	370-18-9420	Patriot Homes of Virginia Inc.	91 Harpers Mill Way	370-29-3092	Patriot Homes of Virginia Inc
			89 Harpers Mill Way	370-29-3487	Patriot Homes of Virginia Inc

LYZA 2011-0001, Retirement Community R-C District.

To amend sections 3-6 (Retirement Community R-C) and 13-2 (Definition of Certain Terms) of the Town of Lovettsville Zoning Ordinance to allow for age restrictions consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and the Virginia Fair Housing Law (Va. Code section 36-96.1 et seq.) for projects providing elderly housing and to edit the provisions to eliminate inconsistencies.

The applications being considered are available for review at the Town Hall between the hours of 9AM and 3PM weekdays or by special appointment, holidays excepted. Call 540-822-5788 for more information or visit www.lovettsvilleva.gov. In the event the meeting is cancelled due to inclement weather, the Public Hearings will be convened on March 24, 2011, at the same time and place.

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Town of Lovettsville Comprehensive Plan Public Hearing

The Lovettsville Mayor and Town Council will hold a Public Hearing on March 10, 2011 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue to receive public comment on the draft text for the Town of Lovettsville Comprehensive Plan Update. The draft text is available for review on the Town's website at www.lovettsvilleva.gov or at the Town Office between 9:00am and 3:00pm Monday through Friday, holidays excepted. In the event the meeting is cancelled due to inclement weather, the Public Hearing will be convened on March 24, 2011, at the same time and place. For additional information please call the Town Hall at (540) 822-5788.

Public Notice Snow Reminders

During a snow or ice event, vehicles, trailers, basketball hoops, trash cans and any other obstacles should be removed from the roadway. Crews are responsible for clearing the roadways to the edge of the pavement or the curb. Obstructions delay the overall operations.

The Town of Purcellville Maintenance staff is responsible for removing snow and ice on Town streets with the exception of Main Street (Bus. Route 7), Berlin Turnpike (Route 287) and Hirst Road (from Route 287 to Hatcher Avenue). These roadways are maintained by VDOT.

The primary objective is to clear the main streets, followed by primary roads with secondary subdivision and cul-de-sacs last. Every attempt is made to initially provide one passable lane. In the event of a life-threatening emergency, crews will work with emergency personnel to provide additional access.

It is strongly advised that you wait until the storm is over and significant plowing has been done on your street before removing snow from your driveway apron. Several passes are needed to clear a roadway. Crews cannot avoid pushing snow back onto your driveway apron, nor can they clear the apron for you. Therefore it is best to wait until the plowing activities have ceased before shoveling the end of your driveway. Snow from private driveways, business, or parking areas should NOT be pushed into the street.

And as a reminder, Town Ordinance requires sidewalks to be cleared within 24 hours of a snowfall. Please help keep Purcellville a walkable community. If ice is present and cannot be removed, it should be covered with sand, kitty litter, ashes or other substance that make for safe passage.

For questions or more information, contact the Town of Purcellville Public Works Department at (540) 751-2352 or visit the Town's Web site at www.purcellvilleva.gov.

**The Purcellville Gazette is an official
Paper of Record for Loudoun County.**

Town of Lovettsville

Speaker Sign - Up Sheet

Town Council Public Hearings and Regular Meeting - March 10, 2011

Please Print.

Name and Association	Address	Topic	Email Address (Optional) ¹
RODION, IVAN CZUK Loudoun County Planning Dept	1 Harrison St SE Leesburg VA	Comp Plan Revision	rodion.iwan@loudoun.gov
FLOYD B LETHEN		GAME CLUB	BL B L E T H E N @ J U N I O R . C O R

Each speaker will be limited to no more than three (3) minutes at the beginning of the meeting, or
no more than five (5) minutes at the end of the meeting.

¹ If you provide your email address, you will be added to the Town Council & Planning Commission Meetings Notification List.

Town of Lovettsville

STAFF REPORT

TOWN COUNCIL

PUBLIC HEARING	
ITEM IDENTIFICATION	LVZA 2010-0001 Comprehensive Plan Revision
TYPE OF ITEM	Plan Amendment
DATE OF HEARING	March 10, 2011
APPLICANT	Town of Lovettsville

BACKGROUND: In 2009 the Town Council established the Comprehensive Plan Advisory Committee (CPAC) to evaluate the Town Plan, update it and make recommendations for revisions, if it deemed such to be appropriate, as required every five years by the Code of Virginia. The Committee consisted of all the Planning Commissioners and representatives of the major new subdivisions (Kingsridge, New Town Meadows, and Lovettsville Town Center), the old part of Town, the Lovettsville Business Association, and the Lovettsville Historical Society. A public Community Forum was given at the Lovettsville Elementary School in July 2009 to solicit input from the public on what the revised Town Plan should contain. There was a general consensus that people wanted the Town Center commercial core to develop as approved, that they wanted the small town character of the Town to be maintained in the future and they wanted policies that would encourage and support historic preservation of older structures and areas in the Town.

The Town staff facilitated over 35 separate CPAC meetings from the latter months of 2009 through the early weeks of 2011. A variety of experts and professionals were brought to meetings to provide different types of information to help the committee in their review of the Town Plan. Representatives from the Loudoun County Department of Economic Development, Office of Transportation Services and Department of Planning brought CPAC background information on economic development, transportation and historic preservation, respectively. A representative from the County Planning Department, Rodion Iwanczuk, attended almost all the CPAC meetings and provided a wealth of background information on a variety of subjects, including environment, as well as recommendations for policies on other subjects, particularly

land use. The staff contacted different County agencies to research policies, procedures and statistics that applied to the Town's planning analysis for the Plan review process. In November 2010, after months of deliberation CPAC came to a consensus on a new Comprehensive Plan for the Town. A second public Community Forum was held November 22 at which CPAC presented its recommendations for amending the Comprehensive Plan. The public was invited to ask questions about the committee's work and policy formulations and make comments on the draft Plan text. CPAC subsequently discussed the commentary at the Community Forum and made some revisions to the draft. When CPAC finalized their draft Plan text they forwarded it to the Planning Commission, which discussed it further and authorized a public hearing, which was held January 5, 2011. The Commission then discussed the public testimony and made some more changes to the draft text before they formally recommended an amendment for the entire 2011 Comprehensive Plan on February 10, 2011. The Town Council discussed the recommended Planning Commission draft of the Plan and authorized a public hearing for March 10, 2011.

DISCUSSION: Virginia jurisdictions are required to review their Comprehensive Plans every five years. The Comprehensive Plan Advisory Committee and the Planning Commission reviewed all aspects of the adopted 2004 Town Plan, as required by state law. The review involved updating population, existing land use, housing and zoning data using Loudoun County and Town resources but without benefit of 2010 US Census data, which was not finalized during the Plan review process. Changed conditions related to development, zoning and planning were used in the evaluation of the existing Plan. Numerous public officials from outside the Town were brought into the CPAC review process, including those with expertise in economic development, transportation, land use, and historic preservation. The review process produced many changes in all aspects of the 2004 Town Plan, including changing the name of the Plan to the more commonly used Comprehensive Plan. There was also a major change in the organization of the Plan. The chapters in the 2004 Town Plan are identified as:

1. Introduction and Vision Statement
2. History
3. Natural Resources and Environmental Factors
4. Population and Housing
5. Business Development
6. Community Facilities and Services
7. Land Use
8. Transportation

During the review process it was determined that community facilities and services should be transformed into the more commonly used planning category public facilities and that public utilities should be combined into a chapter with public facilities because

both are provided by governmental and quasi-governmental agencies. Also, there seemed to be a close relation between population, housing and economic development, the latter referred to in the 2004 Town Plan as business development. Therefore, CPAC and the Planning Commission determined that population, housing and economic development are all so closely associated in terms of planning that should be combined into a single chapter for purposes of integrated analysis and policy formulation. After reviewing the 2004 Town Plan in terms of defining broad subject areas, CPAC and the Planning Commission recommend revising the Comprehensive Plan chapters so they would be identified as follows:

1. Introduction
2. Historic Resources
3. Environment
4. Public Facilities and Utilities
5. Economic Development and Housing
6. Land Use
7. Transportation.

As a result of the Plan review process undertaken individual chapters were organized under a similar format. The organization of the 2004 Town Plan was not always uniform and it was sometimes difficult to find policies because they are intertwined with background material. The Plan also organized each chapter with goals and objectives and implementation policies, which makes too many fine distinctions for easy interpretation. The new draft Plan is organized under four major headings:

1. Background and Existing Conditions
2. Issues and Future Needs
3. Goal
4. Policies

In this way it is easier to find the policies in the process of interpreting the Plan during a development application and review process.

Major changes from the 2004 Town Plan to the draft 2011 Comprehensive Plan are summarized for each chapter as follows:

1. Introduction

A location map of Lovettsville within Loudoun County is provided. The organization of the Plan is described as well as how to use the Plan. The Town's intent to develop an implementation work program based on Plan policies is included. Core goals, core values and specific goals subheadings have been merged into a goals and values section. The historic preservation efforts heading is removed and the subject treated in the Historic Resources chapter.

2. Historic Resources

The history of the Town is removed and included in the Introduction. A detailed description of state and federal laws available to implement historic preservation is added. The effort to implement a Historic District for the old part of Town is included. The CPAC work on this subject led to the Historical Society and the Town obtaining funds for establishing an Historic District that will be included in the State Historic Landmarks Register and the National Register of Historic Places in concert with the Virginia Department of Historic Resources.

3. Environment

Wellhead protection policies were added. A GIS aerial map with streams and associated floodplain land is added. Protection policies for existing natural resources, such as vegetation and open space, are updated and augmented. Low Impact Design (LID) is encouraged, which pertains to stormwater runoff. A policy is added for the Town to continue to pursue eligibility in the National Flood Insurance Program so that residents can take advantage of flood insurance.

4. Public Facilities and Utilities

Updated material on the Lovettsville Community Park is added, which refers to the master plan for park development and a southern access to Loudoun Street through the Lovettsville Elementary School. A map of the public facilities and utility facility is added. The new USPS postal facility is included. A policy to work with Loudoun County to locate a future combined high and middle school outside the Town within five miles of the Town boundary is added.

5. Economic Development and Housing

A policy to promote a mixture of residential, office and retail uses in existing structures in portions of the E. Broad Way, N. Light Street, Locust Street and S. Loudoun Street is added, including a new zoning district to make such development more practical. Professional office use should only be developed in townhouse style buildings. Access should be provided to the land zoned I-1 in addition to N. Church Street. Provide interparcel access (vehicular and pedestrian) between commercial and industrial development. Help startup businesses.

6. Land Use

Maintain the small town character of the Town by not changing developable land into land planned for higher residential densities, generally. Add some options for increased densities or non-residential uses in some locations, such as on the Game Protection Association site, the Hummer tract at the intersection of S. Loudoun Street and Berlin Pike. Includes a map to identify these areas. Add an option on the land zoned I-1 for townhouse use adjacent to New Town Meadows to provide a compatible transition to future light industrial or commercial development. Remove professional office use from residential zoning districts and plan such use in specific locations only. Add a Land Use Plan map with different land use categories. Define a new multiple/alternative use category that is planned for certain areas. Identify clearly the non-residential land uses planned for land adjacent and near the Heritage Highlands retirement community. Encourage land consolidation for non-residential development. At least 5 percent of any development 5 acres or more should be contiguous open space. Add regulations to the R-C Retirement Community zoning district to assure a proportional mix of uses, a

minimum lot size and other aspects not currently contained in the regulations. Incorporate the "Town Center Focus Area" Plan amendment adopted in 2009 for the areas adjacent to the Town Center. Include the maps of the land bays and generalized access and circulation plan. Include a general policy for working with the County to evaluate any development request for increased densities adjacent to the Town boundary in the County.

7. Transportation

Added a description of the Streetscaping Master Plan and capital improvements projects underway for a portion of E. Broad Way between Park Place and the Lovettsville Community Center. Emphasize the need for traffic calming (including speed limit revision), especially in view of the pedestrian orientation that is emphasized in Plan policies. Add the need for interparcel access between residential and non-residential developments. Add discussion of the need for future public parking lots to support economic development objectives. Update the Transportation Plan map to show approved subdivision streets; the southern connection to the Lovettsville Community Park; the extension of Red Bud Lane to Berlin Pike; the streets where the streetscaping plan applies, and two options for future connections to County roads from the land zoned I-1. On the map roundabout locations and some other intersections have been identified for generic traffic controls so design can be determined as needed by VDOT. Prioritize the Town's choices for transportation infrastructure improvements for the State 6 year plan.

The Loudoun County Planning Department submitted a recommendation to the Planning Commission, which they are also submitting to the Town Council for its public hearing. The memorandum with attachments sent by Mr. Iwanczuk is attached for reference. The subjects of their concern are related to having the Town Comprehensive Plan address in its policies:

1. More measurable standards and implementation measures.
2. Proffer policies to offset capital impacts of development as does the County and some other jurisdictions that use the County services and facilities, most notably, schools.
3. Only consider increasing development densities outside the Town (in the County) after increased densities are planned within the Town.
4. Continue coordination with the County regarding land use and transportation planning.

There was discussion by CPAC and the Planning Commission concerning the relation between housing concentration and sufficient market for retail services deemed desirable by Town residents. Staff asserted that more housing density would be needed in the future in order to generate the population needed to support the kind of business Town residents want. One option for providing such density increase is to plan higher densities next to the Town in the County than currently planned and zoned. CPAC and the Planning Commission agreed that they wanted to plan densities within the Town that were compatible with the existing densities, generally. Therefore, very

little density increase was considered within the Town. Ultimately, CPAC and the Planning Commission decided that it was beyond the scope of the Town Plan review planning process to consider suggesting higher densities in the County. They also concluded that the Town does not have the resources to undertake the identification of environmental resources and measuring to what extent environmental protection policies are implemented and effective. They concluded that the Town should request help for this effort from the County. The Planning Commission also concluded that implementation measures for Plan policies would be worked out as the need arises and that the implementation of land use policies will occur within the established rezoning and conditional use and development review processes.

The Planning Commission discussed the County Planning Department recommendation that a policy for offsetting development costs with fees from development. The Commission concluded that the issue should be handled first by the Town Council as a matter of Town policy before it is considered as part of the Comprehensive Plan.

The Comprehensive Plan Advisory Committee, staff and Planning Commission have spent hundreds of hours in the Town Plan review process and all have come to the conclusion that the draft text presented represents the consensus of these groups. After consulting with the public on two occasions, both at the beginning and the end of the CPAC review process, it is appropriate for the Town Council to consider the draft text for the 2011 Town of Lovettsville Comprehensive Plan for adoption after hearing and considering public testimony.

RECOMMENDATION: The Planning Commission and the Town staff recommend that the Town Council consider adopting the attached draft Town of Lovettsville 2011 Comprehensive Plan with any changes the Council feels appropriate after public testimony and its own discussion.

DRAFT MOTION: "I move that the Town Council adopt Ordinance 2011-0_ -__ to repeal the 2004 Lovettsville Town Plan and enact the Lovettsville 2011 Comprehensive Plan in its place."

ATTACHMENT:

1. Draft 2011 Comprehensive Plan as recommended by the Planning Commission, January 19, 2011 (Distributed in February 10, 2011 Packet)
2. Draft Enacting Ordinance prepared by the Town Attorney
3. Loudoun County Department of Planning Memo dated March 1, 2011 and associated documents.

Town of Lovettsville

Ordinance No. 2011-03-001

APPROVE LVZA 2010-0002, R-C DISTRICT, AMEND SECTIONS 3-6 AND 13-2, LOVETTSVILLE ZONING ORDINANCE

MOTION: Zoldos

SECOND: Sparbanie

WHEREAS, in the course of evaluating requested modifications to the zoning restrictions governing the development of the Lovettsville Retirement Community, the Town Council became aware that applicable definitions imposed age requirements within a retirement community more restrictive than those mandated by Federal and State law governing housing intended to serve the needs of the elderly; and, further, that internal inconsistencies or ambiguities in the text should be corrected; and

WHEREAS, amendments correcting the aforesaid deficiencies were referred to the Planning Commission for their recommendations; and

WHEREAS, the Lovettsville Planning Commission conducted a public hearing on the proposed amendments on February 2, 2011, pursuant to notice given in accordance with the requirements of Va. Code section 15.2-2204, and forwarded its recommendations February 16, 2011, for consideration by the Town Council; and

WHEREAS, the Lovettsville Town Council conducted a public hearing on the proposed amendments March 10, 2011; and

WHEREAS, the Town Council has determined that the proposed amendments are consistent with good zoning practice and that the health, safety and welfare of the Town and its citizens will be promoted by adoption of the text revisions.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that Sections 3-6 and 13-2 of the Lovettsville Zoning Ordinance, pertaining to the R-C Retirement Community District, be repealed and reenacted as set forth in the text attached hereto.

VOTE:

Ayes: Carder, Coleman, Senate, Sparbanie, Staley, Zoldos

Nays: None

Abstentions: None

Absent for vote: Senate

APPROVED March 10, 2011



ELAINE WALKER, MAYOR


JUDY L. KROMHOLZ, TOWN CLERK

The German Settlement

Town of Lovettsville

Ordinance No. 2011-03-002

APPROVE LVPA 2010-0001, REPEALING 2004 LOVETTSVILLE TOWN PLAN AND ENACTING 2011 LOVETTSVILLE COMPREHENSIVE PLAN IN ITS PLACE

MOTION: Zoldos
SECOND: Coleman

WHEREAS, Virginia Code section 15.2-2223 et seq. requires the Planning Commission to prepare and recommend to the Town Council a comprehensive plan for the physical development of the Town and that, after adoption, the plan shall be reviewed at least once every five years; and

WHEREAS, the Lovettsville Town Council appointed a study committee in 2009, comprised by members of the Planning Commission and various stakeholders interested in the long-term development of the Town and supported by planning professionals affiliated with the Town and also with Loudoun County; and pursuant to said review and studies, the Planning Commission determined that the Town Plan adopted in 2004 should be completely revised and updated; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed plan on January 5, 2011, pursuant to notice as required by Va. Code section 15.2-2204; and by resolution adopted February 10, 2011, recommended a revised Comprehensive Plan and certified the same to the Town Council for its consideration; and

WHEREAS, the Lovettsville Town Council conducted a public hearing March 10, 2011, on the revisions recommended by the Planning Commission, pursuant to notice as required by Va. Code section 15.2-2004 and has concluded that the plan should be adopted as recommended/amended.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that the 2004 Town Plan be repealed as superseded and the 2011 Lovettsville Comprehensive plan, dated January 19, 2011, be hereby enacted, effective immediately, as set forth in the text attached hereto.

BE IT FURTHER ORDAINED that the Town Council hereby authorizes the Zoning Administrator and Town Attorney to review and edit the hereby enacted plan, attached hereto to ensure that all text is incorporated as indicated, and that any typographical errors, misnumbering of sections, and/or cross-referencing errors are corrected.

VOTE:

Ayes: Carder, Coleman, Senate, Sparbanie, Zoldos

Nays: None

Abstentions: Staley

Absent for vote: Senate

APPROVED March 10, 2011


JUDY L. KROMHOLZ, TOWN CLERK


ELAINE WALKER, MAYOR

The German Settlement

Town of Lovettsville

Resolution 2011-03-001: APPROVE RELEASE OF LETTER OF CREDIT LOVETTSVILLE TOWN CENTER

MOTION: Staley

SECOND: Sparbanie

WHEREAS, Lovettsville Town Center, LC, succeeded to rights to purchase sewer taps for up to 100 residential dwelling units under an agreement dated December 16, 1999, and in accordance with the terms thereof, provided letters of credit No. 305 and 306 dated February 21, 2002 and issued by Virginia Commerce Bank in the amounts of \$178,500.00 and \$416,500.00, respectively, for a total amount of \$595,000.00; and

WHEREAS, Lovettsville Town Center, LC, by the terms of the said agreement is entitled to a reduction in the amount of the letter of credit proportionate to the number of taps purchased and placed into service not more frequently than once each 12 months; and

WHEREAS, Lovettsville Town Center, LC, has asked that the Town release the letter of credit No. 305 in full inasmuch as it provided security for the purchase of thirty (30) sewer taps and a total of 34 sewer taps subject to the agreement have been purchased and paid in full.

NOW, THEREFORE, BE IT RESOLVED that the Lovettsville Town Council hereby acknowledges that the obligations of Lovettsville Town Center, LC under the said agreement have been fully executed insofar as secured by the referenced letter of credit, and the Mayor is hereby authorized to release letter of credit No. 305 issued by Virginia Commerce Bank, referenced above to Lovettsville Town Center, LC.

VOTE:

Ayes: Carder, Coleman, Senate, Sparbanie, Staley, Zoldos

Nays: None

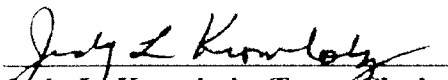
Abstentions: None

Absent for vote: Senate

Approved: March 10, 2011


Elaine Walker, Mayor

CERTIFIED:


Judy L. Kromholz, Town Clerk

The German Settlement

Town of Lovettsville

RESOLUTION 2011-03-002:
TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION ADD GERMANNA
DRIVE FOR ADDITION TO SECONDARY SYSTEM MAINTENANCE UNDER SECTION
33.1-82, CODE OF VIRGINIA

MOTION: Sparbanie
SECOND: Coleman

WHEREAS, the Town of Lovettsville has authority pursuant to Section 33.1-82, Code of Virginia, to add mileage to the secondary system that conforms to specific requirements established by the 2005 Subdivision Street Requirements of the Virginia Department of Transportation addressing right of way widths and the condition of streets to be added to the secondary system; and

WHEREAS, the Town of Lovettsville is responsible for the provision of administrative cost recovery fees required by the 2005 Subdivision Street Requirements for all mileage to be added to the secondary system pursuant to Section 33.1-82, Code of Virginia; and

WHEREAS, the Town of Lovettsville is responsible for first year maintenance but is exempt from posting a surety in the form of an irrevocable letter of credit with the Virginia Department of Transportation for any first year maintenance issues.

NOW, THEREFORE, BE IT RESOLVED, this Council requests the Virginia Department of Transportation add the street described in the attached additions form AM-4.3 to the Secondary System of State Highways, pursuant to Section 33.1-82, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Council guarantees a clear and unrestricted right of way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

VOTE:


AYES: Carder, Coleman, Senate, Sparbanie, Staley, Zoldos

NAYS: None

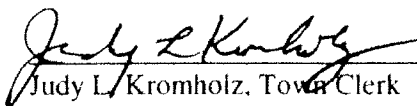
ABSTENTIONS: None

ABSENT FOR VOTE: Senate

Adopted this 10th day of March, 2011.


Elaine Walker, Mayor

CERTIFIED:


Judy L. Kromholz, Town Clerk

The German Settlement

Town of Lovettsville

Resolution 2011-03-003: SUPPORT FOR THE LOCATION OF A FUTURE HIGH SCHOOL AND MIDDLE SCHOOL IN CLOSE PROXIMITY TO THE TOWN OF LOVETTSVILLE

MOTION: Sparbanie

SECOND: Zoldos

WHEREAS, in the past several years, public meetings have been held to seek public input on and to gauge public opinion regarding the location of a future high school and middle school in close proximity to the Town of Lovettsville; and

WHEREAS, the overwhelming majority of citizens voiced support for a community-based high school and middle school in close proximity to the Town of Lovettsville; and

WHEREAS, the Town Councils of Purcellville and Lovettsville issued resolutions on October 9, 2007 and November 15, 2007, respectively, in support of the high school and middle school in close proximity to the Town of Lovettsville area; and

WHEREAS, on March 25, 2009, the Town of Lovettsville sent a letter to the members of the Loudoun County School Board again affirming its support of a high school and middle school in close proximity to the Town of Lovettsville; and

WHEREAS, the Town of Lovettsville wishes to reaffirm its support for a high school and a middle school in close proximity to the Town of Lovettsville; and

WHEREAS, the Town of Lovettsville will reserve municipal sewer capacity for a high school and middle school, provided the Loudoun County Government agrees to purchase said capacity, so long as the property that is chosen is in close proximity to the Town boundary.

THEREFORE BE IT RESOLVED that the Lovettsville Town Council continues to support schools north of Route 9 and encourages the placement of a high school and a middle school in close proximity to the Town.

BE IT FURTHER RESOLVED that the Town of Lovettsville continues to play an active role with the Loudoun County Board of Supervisors and the Loudoun County School Board in exploring solutions that address concerns over site selection, traffic assessment, environmental impact, and building capacities and designs that protect the small town quality of life that makes the Town of Lovettsville unique in Loudoun County.

VOTE:


Ayes: Carder, Coleman, Sparbanie, Staley, Zoldos

Nays: None

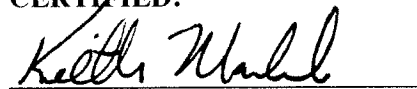
Abstentions: None

Absent for vote: Senate

Approved: March 10, 2011


Elaine Walker, Mayor

CERTIFIED:



Witness

The German Settlement